

AMENDED IN SENATE MAY 17, 2011

AMENDED IN SENATE APRIL 25, 2011

AMENDED IN SENATE MARCH 16, 2011

AMENDED IN SENATE FEBRUARY 22, 2011

SENATE BILL

No. 63

Introduced by Senator Price

January 5, 2011

An act to add Section 49416 to the Education Code, relating to pupil health.

LEGISLATIVE COUNSEL'S DIGEST

SB 63, as amended, Price. Pupil and personnel health: automatic external defibrillators.

Existing law authorizes a school district or school to provide a comprehensive program in first aid or cardiopulmonary resuscitation training, or both, to pupils and employees, and requires the program to be developed using specified guidelines.

This bill would state the intent of the Legislature that all public high schools acquire and maintain at least one automatic external defibrillator (AED). The bill would authorize a public high school to solicit and receive nonstate funds to acquire and maintain an AED. If a public high school decides to acquire and maintain an AED, or continue to use and maintain an existing AED, the bill would require the school to comply with specified requirements. The bill would provide that an employee and the school district are not liable for civil damages resulting from specified uses or nonuses of an AED, except as provided.

The bill would also make specified findings and declarations.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) According to the American Red Cross, sudden cardiac arrests
- 4 result in the death of approximately 250,000 persons per year in
- 5 the United States.
- 6 (b) Automatic external defibrillators (AEDs) are designed to
- 7 prevent sudden cardiac arrest deaths and access to AEDs would
- 8 drastically increase a person's chances of survival.
- 9 (c) AEDs are ~~extremely accurate~~, user-friendly computerized
- 10 devices with voice and audio prompts that guide the user through
- 11 the critical steps of operation.
- 12 (d) Early cardiopulmonary resuscitation (CPR) and rapid
- 13 defibrillation combined with early advanced care dramatically
- 14 increases survival rates for a witnessed cardiac arrest.
- 15 (e) Almost 95 percent of sudden cardiac arrest victims die before
- 16 they reach a hospital or obtain other emergency medical attention.
- 17 ~~(f) In communities with strong public access defibrillation~~
- 18 ~~programs, the sudden cardiac arrest survival rate, when~~
- 19 ~~defibrillation and CPR are provided within the first three minutes,~~
- 20 ~~is up to 75 percent.~~
- 21 ~~(g)~~
- 22 (f) Increasing access to AEDs in public schools will save lives.
- 23 ~~(h)~~
- 24 (g) More Americans die each year from sudden cardiac arrest
- 25 than from cancer and car accidents combined.
- 26 ~~(i)~~
- 27 (h) California already requires health studios to acquire and
- 28 maintain, and train personnel in the use of, an AED.
- 29 ~~(j)~~
- 30 (i) The federal government already requires commercial
- 31 airplanes to have an AED on board, and a sudden cardiac arrest
- 32 event is 30 times more likely to occur in a school than on an
- 33 airplane.
- 34 ~~(k)~~

1 (j) On any given day, 20 percent of the population, both adults
2 and children, occupy our nation's schools according to the National
3 Athletic Trainers Association.

4 ~~(l)~~

5 (k) An estimated 3,000 to 5,000 schoolaged children die each
6 year from sudden cardiac arrest. In the United States, one out of
7 every 100,000 to 300,000 high school athletes will die each year
8 from sudden cardiac arrest.

9 ~~(m) The National Heart, Lung, and Blood Institute recently
10 published the findings of a renowned three-year study on public
11 access to defibrillation, which concluded that AEDs double the
12 chance of survival of a sudden cardiac arrest victim.~~

13 SEC. 2. Section 49416 is added to the Education Code, to read:

14 49416. (a) It is the intent of the Legislature that all public high
15 schools acquire and maintain at least one automatic external
16 defibrillator (AED) *and consider installing AEDs in multiple*
17 *locations.*

18 (b) A public high school may solicit and receive nonstate funds
19 to acquire and maintain an AED. These funds shall only be used
20 to acquire and maintain an AED and to provide training to school
21 employees regarding use of an AED. If a public high school decides
22 to acquire and maintain an AED, or continue to use and maintain
23 an existing AED, the school shall do all of the following:

24 (1) Place an AED, *in compliance with all regulations covering*
25 *AED placement*, in a centralized location on campus for the purpose
26 of preventing deaths resulting from sudden cardiac arrests among
27 pupils, faculty, *employees*, and visitors.

28 (2) Ensure that an AED is available for use at a school-sponsored
29 athletic event. The AED placed in a centralized location on campus
30 may serve as the AED that is available for use at *a*
31 ~~school-sponsored athletic events that occur~~ *event that occurs* at
32 the school campus.

33 (3) Ensure and maintain records of ~~both~~ *all* of the following:

34 (A) That the AED is maintained and regularly tested according
35 to the operation and maintenance guidelines set forth by the
36 manufacturer, *the American Heart Association, and the American*
37 *Red Cross, and according to any applicable rules and regulations*
38 *set forth by the governmental authority under the federal Food*
39 *and Drug Administration and any other applicable state and*
40 *federal authority.*

(B) That the AED is checked for readiness after each use and at least once every 30 days if the AED has not been used during the preceding 30 days. *Records of those checks shall be maintained.*

(C) *That a person who renders emergency care or treatment to a person in cardiac arrest by using an AED activates the emergency medical services system as soon as possible, and reports the use of an AED to the local emergency medical services agency.*

(4) Prepare a written medical emergency preparedness plan that describes the procedures to be followed in the event of ~~an~~ *a medical* emergency that may involve the use of ~~a medical~~ *an* AED. The written plan shall include, but not be limited to, immediate calling of the emergency 911 telephone number when an AED is used.

(5) Require all school employees expected to administer an AED in an emergency to complete a training course in cardiopulmonary resuscitation and AED use that complies with the regulations adopted by the Emergency Medical Services Authority and the standards of the American Heart Association or the American Red Cross. A trained school employee may administer an AED in accordance with the school's medical emergency preparedness plan.

(c) (1) An employee of a school district who renders emergency care or treatment pursuant to this section is not liable for civil damages resulting from the use, attempted use, or nonuse of an AED, except as provided in paragraph (3).

(2) If an employee of a school district uses, attempts to use, or does not use an AED consistent with the requirements of this section, to render emergency care or treatment, the employee, school district, or both are not liable for civil damages resulting from any act or omission in rendering the emergency care or treatment, including the use or nonuse of an AED *provided that the public high school fully complies with subdivision (b)*, except as provided in paragraph (3).

(3) Paragraphs (1) and (2) shall not apply in the case of personal injury or wrongful death that results from gross negligence or willful or wanton misconduct on the part of the person who uses, attempts to use, or maliciously fails to use an AED to render emergency care or treatment.

(d) For purposes of this section, a "school-sponsored athletic event" means a school-sponsored extracurricular athletic activity, which includes practice for and competition in an interscholastic

- 1 athletic sporting event held at any location, including a nonpublic
- 2 school facility.

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